

STATE OF CALIFORNIA

Energy Resources Conservation  
And Development Commission

In the Matter of: )  
 )  
RULEMAKING TO MODIFY )  
RULES OF PRACTICE AND )  
PROCEDURE FOR POWERPLANT )  
APPLICATIONS )  
\_\_\_\_\_ )

Docket No. 01-SIT-1

COMMENTS of Holly Duncan,  
Intervenor, Concerned Citizen,  
and Member of the Public

PUBLIC COMMENTS of HOLLY DUNCAN  
Intervenor, Concerned Citizen, and Member  
of the Public to the RULEMAKING to MODIFY  
RULES of PRACTICE and PROCEDURE for  
POWERPLANT APPLICATIONS

\_\_\_\_\_ July 20, 2001 \_\_\_\_\_  
\_\_\_\_\_

Holly Duncan, Intervenor  
Otay Mesa Gen. Project  
3838 Mt. Blackburn Ave.  
San Diego, Ca. 92111

STATE OF CALIFORNIA

Energy Resources Conservation  
And Development Commission

In the Matter of:	)	
	)	Docket No. 01-SIT-1
RULEMAKING TO MODIFY	)	
RULES OF PRACTICE AND	)	Comments of Holly Duncan
PROCEDURE FOR POWERPLANT	)	Intervenor, Concerned Citizen,
APPLICATIONS	)	and Member of the Public.
_____	)	

California Energy Commission Intervenor [Otay Mesa Generating Project] Holly Duncan welcomes the opportunity to provide public comment to the above-cited Rulemaking.

The proposed changes are consistent with the California Energy Commission's stated intent to ensure: "In the future, the siting process must also contribute to the development of a well-functioning energy market by becoming as streamlined as possible, with minimal burdens imposed on developers." [STRATEGIC PLAN, California Energy Commission, Publication Number P102-97-001, May 1997, page 5; emphasis added.].

The proposed changes to the siting process do nothing to ensure that the public's interest will be well represented in future power plant siting applications, even though it is the public that will bear a decades-long burden of absorbing the downside of power plants forceably located in their communities.

Rather than belabor the details of each proposed change, I prefer instead to address the underlying concept of "efficiency" motivating the proposed changes.

Since "efficiency" in this context means the rapid siting of Big Box Spewers and Peakers in support of the Traders' Grid, the CEC can best serve its newfound constituency, the so-called "merchant plant", by removing itself entirely from the siting process. The continued existence of the CEC serves no useful function

with regard to public health and safety. However, it may serve the interests of its newfound constituency by confusing the public that the CEC is indeed watching out for its welfare. Whether this function contributes to "efficiency" or not, should probably be the subject of internal discussion within the CEC. It may in fact be useful to the siting of "merchant plants" by lulling the public into a false sense of security.

With regard to "efficiency" understood as streamlining the siting process, it is most efficient simply to shut down the CEC, transferring its functions directly to the governor. This would be the consistent outcome of applying the CEC's "efficiency" concept to itself.

Considering that, in its siting practices, the CEC has abdicated any responsibility to the public with regard to health and safety, it now operates in an ethical no-man's land as it participates in the emerging public health laboratory experiment of siting Big Box Spewers and Peakers in California airsheds. The results of this laboratory experiment will become obvious as public health deteriorates. However, current scientific knowledge is sufficient to predict the likely direction of such deterioration. Therefore, I suggest that public funds currently expended on supporting CEC "analyses" could better be used to fund research and treatment efforts regarding the public health problems likely to follow from the actions of the CEC and its newfound constituency.

However, should the commissioners, as honest and sincere men, believe they are indeed performing a useful function, I would suggest they seek future CEC funding from the Western Power Trading Forum. This offers two benefits: First, it allows the CEC to maintain the useful fiction of "Public Good", and secondly, it offers the Megawatt Mafia the opportunity to propagate another useful fiction that they, likewise, contribute to the public welfare.

On the other hand, should the commissioners find this unpalatable I offer an alternative. The CEC should reinvent itself as a real public agency that regards the public as its true constituency. Should the CEC wish to do this, I offer the following suggestions:

- \* The CEC should immediately cease certifying applications under governor "Emergency" mandates as the finding of "a state of emergency" in California is becoming more controversial.
- \* Develop new Air Quality modeling methodology and software as the current ones are scientifically worthless
- \* Encourage greater public participation in all of the CEC's activities. Specifically, set up an Office of Public Advocates tasked to ensure representation of the public in any and all CEC proceedings.

\* Develop a central focus and core competency that emphasizes rapid and "efficient" replacement of fossil-fuel spewers with renewable- and zero emission energy technologies.

In order to accomplish the above, the CEC should scrap both its 1997 STRATEGIC PLAN and the subject of this Rulemaking. In its place I suggest the CEC begin to reinvent itself by first reflecting on what an adequate concept of "The Public" might be, and secondly how the CEC should see the public and its welfare as its true constituency. On this basis the CEC could write a new strategic plan that serves the needs of the public. Such a plan would probably not be "efficient". Instead it would be appropriate

.  
California is a public democracy, not a stakeholder operation.